IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPL.NO.1317 OF 2006
IN
CRI.APPEAL NO. 1258 OF 2006

Santosh Kashinath Pujari ..Appellant/applicant
(Ori.accused)

Vs.

State of Maharashtra ..Respondent

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Mr.R.N.Kachare Advocate for Applicant
Mr.A.S.Shitole, A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : FEBRUARY 14, 2007

P.C.

1. Heard the learned advocate for the applicant and learned A.P.P. for the State.

2. The applicant has been convicted under Sections 397 and 427 read with section 34 of IPC. For offence under Section 397 of IPC, the applicant has been sentenced to imprisonment for eight years. The applicant is now seeking bail.

3. On 7.4.2003 P.W.1 Nandu Kadam was selling sandwiches on his handcart. At that time, the present applicant along with other accused came to

his handcart and they demanded money from him. Nandu Kadam refused to give money and the accused persons assaulted him with sword and sickle. The applicant was armed with a sickle. The present applicant then took out cash from the cash-box. In the meanwhile, the police arrived there. On seeing them, the accused persons including the applicant ran away. However, they came to be chased and came to be apprehended. When the applicant was apprehended, he was found to be in possession of sickle. Both P.Ws. 6 and 7 are eye witnesses to the incident and they have chased the accused persons and apprehended them. At the time when the applicant was apprehended, his shirt was found stained with blood. In my view, there is sufficient evidence to show the complicity of the applicant in the case. Hence, this is not a fit case to grant bail. Application is rejected.

[Smt. V.K.Tahilramani, J.]